

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Amendment of Section 73.202(b),	)	
FM Table of Allotments,	)	MB Docket No. 02-289
FM Broadcast Stations.	)	RM-10526
(Idaho Falls and Iona, Idaho) <sup>1</sup>	)	RM-10771
	)	

**REPORT AND ORDER  
(Proceeding Terminated)**

**Adopted: April 25, 2005**

**Released: April 27, 2005**

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it for consideration a *Notice of Proposed Rulemaking* ("Notice")<sup>2</sup> issued in response a petition for rule making filed by Scott D. Parker ("Parker") proposing the allotment of Channel 300C1 at Idaho Falls, Idaho, as the community's six local commercial FM transmission service (RM-10526). In response to the *Notice*, comments, a counterproposal and a supplement were filed. Sand Hill Media Corporation ("Sand Hill") proposed the substitution of Channel 299C1 for Channel 296C1, the reallocation of Channel 299C1 from Idaho Falls to Iona, Idaho, and the modification of Station KQEO(FM)'s license accordingly (RM-10771).<sup>3</sup> On November 18, 2002, Parker filed a withdrawal of his expression of interest in the Idaho Falls allotment.<sup>4</sup> Reply comments in support of the counterproposal were filed by Sand Hill. After the record closed, Sand Hill filed a withdrawal of its expression of interest for the Iona reallocation.<sup>5</sup>

2. A showing of continuing interest is required before a channel will be allotted. It is the Commission's policy to refrain from making an allotment to a community absent an expression of interest. Therefore, we will grant the requests to dismiss the Idaho Falls and Iona, Idaho petitions.

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<sup>1</sup> The community of Iona, Idaho, has been added to the caption.

<sup>2</sup> *Idaho Falls, Idaho*, 17 FCC Rcd 18118 (MB 2002).

<sup>3</sup> The counterproposal was put on Public Notice on August 26, 2003, Report No. 2624 (RM-10771).

<sup>4</sup> Pursuant to Section 1.420(j) of the Commission's Rules, Parker filed the required declaration stating that he neither received, nor will receive, any money or other consideration in excess of legitimate and prudent expenses in exchange for his withdrawal of interest in the Idaho Falls proposal. In addition, Parker submitted the requirement itemization of expenses incurred.

<sup>5</sup> Pursuant to Section 1.420(j) of the Commission's Rules, Sand Hill provided the required declaration stating that neither Sand Hill, nor any of its principals, has paid, received, promised or been promised any consideration in connection with the withdrawal of its Iona proposal.

3. This document is not subject to the Congressional Review Act. The Commission, is, therefore, not required to submit a copy of this Report and Order to GAO, pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A) because the proposed rule was dismissed.

4. Accordingly, IT IS ORDERED, That, as requested, the petition for rule making filed by Scott D. Parker (RM-10526), IS DISMISSED.

5. IT IS FURTHER ORDERED, That, as requested, the counterproposal filed by Sand Hill Media Corporation (RM-10771), IS DISMISSED.

6. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

7. For further information concerning this proceeding, contact Sharon P. McDonald, Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos  
Assistant Chief  
Audio Division  
Media Bureau